
PUBLIC NOTICE



**US Army Corps
of Engineers**

Omaha District

Application No: 2005-10057-WEH

Project Name: Bundy Wetland Bank, Phase III

Applicant: Robert L. Bundy Family Partnership

Waterway: N/A

Issue Date: March 18, 2015

Expiration Date: April 17, 2015

30 DAY NOTICE

Reply To:

NEBRASKA REGULATORY OFFICE – WEHRSPANN

8901 SOUTH 154TH STREET, SUITE 1

OMAHA, NEBRASKA 68138-3635

The District Engineer, U.S. Army Engineer District, Omaha, Nebraska is evaluating a mitigation banking proposal from the Robert Bundy Family Partnership for Phase III. The purpose of this notice is to inform interested parties of the proposed Phase III of the Bundy Mitigation Bank and to solicit comments. Participation is encouraged so that the U.S. Army Corps of Engineers is better able to complete a more thorough public interest review. Comments assist the District Engineer to make a reasonable decision based on public interest factors

MITIGATION BANKS: The objective of a mitigation bank is to provide for the replacement of the chemical, physical, and biological functions of wetlands and other aquatic resources, which are lost as a result of impacts authorized under Section 404 of the Clean Water Act. Using appropriate methods, the newly established functions are quantified as mitigation credits which are available for use by the bank sponsor or by other parties to compensate for adverse impacts (i.e., debits). The use of credits may only be authorized for the purposes of complying with Section 404 impacts when adverse impacts are unavoidable. In addition, credits may only be authorized when on-site compensation is either not practicable or use of a mitigation bank is environmentally preferable to on-site compensation. For additional information on mitigation banking, see 33 CFR Part 332 (Compensatory Mitigation for Losses of Aquatic Resources).

PROSPECTUS: The prospectus is designed to initiate the planning and review process for the Robert Bundy Family Partnership's Mitigation Bank, Phase III. The IRT has reviewed the proposed Phase III prior to the issuance of this public notice. Information provided in the Prospectus will serve as the basis for establishing a Mitigation Banking instrument. Anyone wishing to see the prospectus may contact Mr. Matt Wray at (402) 896-0896 or email him at Matt.T.Wray@usace.army.mil. The banking instrument will form a detailed agreement between the bank sponsor and the Corps on issues such as accounting procedures, long-term management, site development, monitoring, remedial actions, financial assurances, performance standards, etc.

BANK INSTRUMENT: The bank instrument amendment will form a detailed agreement between the bank sponsor and the Corps on issues such as accounting procedures, long-term management, site development, monitoring, remedial actions, financial assurances, performance standards, etc.

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344).

APPLICANT: Robert L. Bundy Family Partnership

PROJECT LOCATION: Phase III of the Bank is located approximately 1/4 mile north of Highway 6 and South 255th Street intersection in Sarpy County, Nebraska (Fig. 1). Phase III is surrounded by agricultural land to the east, west, and south and by Phase I&II to the north. Camp Ashland, a Nebraska Guard training facility, is located across the Platte River to the west. The Public Land Survey System (PLSS) description for the site is the East Half of the Northeast Quarter of Section 29, Township 13 North, Range 10 East in Sarpy County, Nebraska. The latitude & longitude coordinates for the site are 41°04'14.76 N and 96°19'07.52 W.

PROJECT DESCRIPTION: See Mitigation Banking Instrument.

PROJECT PURPOSE: The applicant's project purpose is to reclaim area from sand and gravel mining to create self-sustaining wetlands and stream to be used as a public commercial (general use) Mitigation Bank to mitigate wetland or stream impacts in the Lower Platte hydrologic unit (10200202).

SPECIAL AQUATIC SITES: Phase III proposed to create 10.45 acres of temporarily flooded, seasonally flooded, semi-permanently flooded and permanently flooded wetlands and create 1,638 linear feet of perennial stream. This would add 17.34 acres of wetlands, buffer and stream channel to the currently proposed 104 acres (Phases I & II).

AVOIDANCE, MINIMIZATION, AND MITIGATION: The proposed project is mitigation which can help off-set other projects' impacts.

CULTURAL RESOURCES: No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR Part 325, Appendix C.

ENDANGERED SPECIES: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U. S. Department of Interior, Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAIN: The USACE is the lead Federal Agency for the proposed project and is responsible to ensure compliance with Executive Order 11988, Floodplain Management, which

discourages direct or indirect support of floodplain development whenever there is a practicable alternative. As a mitigation project, this will not negatively affect the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the State's opinion that the discharge will not violate applicable water quality standards.

COMMENTS: The Corps is soliciting comments from the public, Federal, State, and Local agencies and officials, Indian Tribes and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the USACE to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

Anyone whose interests may be affected by the proposed/completed work is invited to submit favorable or unfavorable written comments to the Nebraska Regulatory Office – Wehrspann, (ATTN: Matt Wray) 8901 South 154th Street, Suite 1, Omaha, NE 68138-3635. The District Engineer is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic system's functional values, cumulative and secondary effects and endangered species. All comments received will be considered public information; copies of all comments, including names and addresses of commentors, may be provided to the applicant unless confidentiality is requested. Comments must be submitted on or before the expiration date (located at the top of the first page) of this notice to be considered in the subsequent actions on this application.

PUBLIC HEARING: Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state the reason(s) for holding a public hearing. If the District Engineer determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by writing to Matt Wray at the address shown on page one or by calling him at (402) 896-0896. You can also e-mail him at matt.t.wray@usace.army.mil.

REQUEST TO POSTMASTERS: Please post this notice conspicuously and continuously until the expiration date specified at the top of page one.

NOTICE TO EDITORS: This notice is provided as background information for your use in formatting news stories. This notice is not a contract for classified display advertising.